

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF DECEMBER 4, 2019

RITA W. GRUBER, CHIEF JUDGE:

[CV-19-487](#). University of Arkansas for Medical Sciences and Public Employee Claims Division v. Patricia Hines, from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Harrison, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-290](#). Jaylon Martin v. State of Arkansas, Pulaski County Circuit Court, Fourth Division. Affirmed. Gladwin and Klappenbach, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-19-10](#). Quayvon Peoples v. State of Arkansas, from Miller County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

[CV-18-1036](#). William B. Stanley, Niolene E. Stanley, Stephen C. Parker, Kathryn A. Parker, Matthew Britt, and Michael C. Willis, on Behalf of Themselves and All Others Similarly Situated v. Ozarks Electric Cooperative Corporation and OzarksGo, LLC, from Washington County Circuit Court. Reversed and remanded. Abramson, Switzer, and Murphy, JJ., agree. Hixson and Brown, JJ., dissent.

ROBERT J. GLADWIN, JUDGE:

[CV-19-6](#). Michael Deline v. Jaime Deline, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Abramson and Klappenbach, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-19-186](#). Stanley Vanoy Ransom v. State of Arkansas, from Faulkner County Circuit Court. Reversed and dismissed. Gruber, C.J., and Switzer, Whiteaker, and Vaught, JJ., agree. Klappenbach, J., dissents.

[CV-18-132](#). Arkansas Children's Hospital v. Dee Blakely, from Pulaski County Circuit Court, Sixth Division. Remanded for clarification. Klappenbach and Switzer, JJ., agree.

[CV-18-939](#). Jessica McCabe and Amy Purdy v. Wal-Mart Associates, Inc., from Benton County Circuit Court. Affirmed in part; reversed and remanded in part. Virden, Switzer, Whiteaker, Vaught, and Murphy, JJ., agree. Gladwin, Klappenbach, and Brown, JJ., concur in part, dissent in part.

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N. MARK KLAPPENBACH, JUDGE:

[CV-17-619](#). Dee Blakely v. Arkansas Children’s Hospital; Pulaski County, Arkansas; and Jane Duke, from Pulaski County Circuit Court, Sixth Division. Affirmed. Harrison and Switzer, JJ., agree.

[CV-19-540](#). M.A. Mortenson Companies and Arch Insurance Company/Gallagher Bassett Services, Inc. v. Mae Reed, from the Arkansas Workers’ Compensation Commission. Affirmed. Abramson and Gladwin, JJ., agree.

MEREDITH B. SWITZER, JUDGE:

[CV-18-934](#). Brodie Faughn and Billy Colvin v. Alfred Kennedy and Wayne Kennedy, from St. Francis County Circuit Court. Affirmed in part and reversed and dismissed in part. Harrison and Klappenbach, JJ., agree.

[CV-19-549](#). Tiffany Cramer v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Vaught and Murphy, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-18-1057](#). Rodney Harmon v. State of Arkansas, from Faulkner County Circuit Court. Affirmed in part; reversed and remanded in part. Gruber, C.J., and Harrison, Hixson, and Brown, JJ., agree. Virden, Klappenbach, Switzer, and Murphy, JJ., concur in part and dissent in part.

[CV-19-66](#). City of Fort Smith, Arkansas v. B & A Electric, Inc.; MeGehee Fence Contracting, LLC; Grimes Dozer Service, Inc.; James Griffith; and River Valley Sports Complex, Inc., from Sebastian County Circuit Court, Fort Smith District. Dismissed without prejudice. Switzer and Murphy, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-19-317](#). Anthony Michael Spears, Jr. v. State of Arkansas, from Benton County Circuit Court. Reversed and remanded for reconsideration of juvenile-transfer motion. Brown, J., agrees. Whiteaker, J., concurs.

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MIKE MURPHY, JUDGE:

[CR-19-251](#). Markell Jimmerson v. State of Arkansas, from St. Francis County Circuit Court. Affirmed. Switzer and Vaught, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-17-893](#). Margaret Ellis v. Roger Thompson and Frances Thompson, from Cross County Circuit Court. Affirmed. Whiteaker and Hixson, JJ., agree.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

CR-19-89. Stephanie Cordero v. State of Arkansas, from Saline County Circuit Court.

CV-18-994. David L. McKim v. Jack B. Sullivan; Mitchell Collision and Towing Center, Inc., d/b/a Jim Smith Collision and Wrecker, Jim Smith Wrecker Service, and Smith Collision and Wrecker; Samuel Mitchell, Individually; and Sam Mitchell, Individually, from Faulkner County Circuit Court. Switzer, J., not participating.

CV-19-91. Robert T. Williams, Owen Honeysuckle, Rose White, Wayne Nunnerly, Lela Burns, and Barbara Mitchell Hicks v. City of Sherwood, Arkansas; and Charles Harmon, Kenneth Keplinger, Kevin Lilly, Marina Brooks, Mary Jo Heye, Mike Sanders, Tim McMinn, and Toni Butler, in Their Official Capacities as Aldermen of the City of Sherwood, Arkansas, from Pulaski County Circuit Court, Third Division.

CR-19-240. Gary Webster v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$1,800.00.

CR-19-370. Lentonio Marcell Jenner v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to file substituted no-merit brief is granted.

CR-19-585. Jermaine Bohanon v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion for continuance is treated as a motion to file belated pro se points for reversal and is granted.

CR-19-600. Keraig Douglas House v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's belated motion for final extension is granted.

CR-19-650. Damian Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for appointment of counsel is denied. Request for an extension of brief time is granted.

CR-19-834. Derrick Lamont Booth v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion to supplement the record is denied. Gruber, C.J., not participating.

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PER CURIAM ORDERS

CV-18-939. Jessica McCabe and Amy Purdy v. Wal-Mart Associates, Inc., from Benton County Circuit Court. Appellants' emergency motion for writ of supersedeas is granted. Gruber, C.J., and Abramson and Hixson, JJ., not participating.

CV-19-632. Stephen C. Webb v. Sex Offender Assessment Committee, from Saline County Circuit Court. Appellee's motion to settle the record is denied. Switzer, J., not participating.

CV-19-752. David Brian Holcomb v. Diha Marie Middlebrook, from Saline County Circuit Court. Appellant's motion for extension of time for filing appellant's brief to allow for writ of certiorari to amend and complete record is granted.

CV-19-752. David Brian Holcomb v. Diha Marie Middlebrook, from Saline County Circuit Court. Appellant's petition for writ of certiorari to the circuit court to amend and complete the record is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-18-14. Boston Mountain Regional Solid Waste Management District v. Benton County Regional Solid Waste Management District, from Benton County Circuit Court.

CV-19-148. White County Judge and Association of Arkansas Counties Risk Management Services v. Bruce Menser, from the Arkansas Workers' Compensation Commission.

CR-18-971. Bruce Wayne Devries v. State of Arkansas, from Saline County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee.

CR-19-141. Freddie Ezekiel v. State of Arkansas, from Clark County Circuit Court. Motion of Lee D. Short for attorney fees.

CR-19-152. Gary G. Seyller, Jr. v. State of Arkansas, from Cleburne County Circuit Court. Motion of Joe A. Denton for attorney's fees.

CR-19-235. Cory Gibson, Jr. v. State of Arkansas, from Garland County Circuit Court. Motion of Jarred Kibbey to withdraw as appellant's counsel.

CR-19-235. Cory Gibson, Jr. v. State of Arkansas, from Garland County Circuit Court. Motion of Jarred Kibbey for attorney's fees and costs.

CR-19-239. Alex Rankin v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Benjamin W. Bristow for attorney's fee.

CR-19-275. B.T. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

CR-19-313. David Lee Daniels, Jr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of William J. Ogles for attorney's fees.

CR-19-323. Michael Lance Turner v. State of Arkansas, from Craighead County Circuit Court, Eastern District. Motion of Terry Goodwin Jones for attorney's fee.

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MOTIONS SUBMITTED

CR-19-776. Brian Raybon v. State of Arkansas, from Lonoke County Circuit Court. Motion of Terrence Cain to be substituted as the attorney of record.

CR-19-776. Brian Raybon v. State of Arkansas, from Lonoke County Circuit Court. Motion of Ronald C. Nichols to substitute Terrance Cain as counsel.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Terry Goodwin Jones to withdraw.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Appellant's motion to extend time for filing brief.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Benjamin W. Bristow to withdraw.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Kirk B. Lonidier to be reassigned.

CR-19-824. Tara Kolb v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts to be substituted as appellate counsel.

CR-19-824. Tara Kolb v. State of Arkansas, from Drew County Circuit Court. Motion of Timothy R. Leonard to be relieved and for appointment of new counsel.

CR-19-891. Jason Paul Goode v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. "Robby" Golden as attorney on direct appeal.

CV-18-862. International Paper Company and Sedgwick Claims Management Services, Inc. v. Phyllis Robinson, from the Arkansas Workers' Compensation Commission. Joint status report.

CV-19-205. Nikita Mahoney v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Appellant's pro se motion for extension of time.

CV-19-326. William "Bill" Carson v. Pat Salmon & Sons, Inc., and ACE American Insurance Co./Specialty Claim Services, Inc., from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to reconsider the denial of supplemental evidence and extension of time.

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MOTIONS SUBMITTED

CV-19-346. Ileshia Garner v. The Goodyear Tire & Rubber Company and Dezmon Gordon, from Phillips County Circuit Court. Motion of separate appellee The Goodyear Tire & Rubber Company to dismiss appeal of Dezmon Gordon.

CV-19-392. Lenora Robinson v. Robert Murphy, from Mississippi County Circuit Court, Osceola District. Appellee's motion to file belated brief.

CV-19-446. Stephen Allen Hathcock v. Tracy Young Hathcock (now Smith), from Pulaski County Circuit Court, Fifteenth Division. Appellant's motion to supplement addendum.

CV-19-620. Josue Tovias v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's motion to correct efiled brief.

CV-19-774. Reuben Eldridge and Sandra Eldridge v. Jerry Waugh, from Independence County Circuit Court. Joint stipulation as to the record.

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CASES SUBMITTED

CV-18-630. Industrial Iron Works, Inc.; and Industrial Iron Works Construction, Inc., d/b/a Adams Fertilizer Equipment v. Larry Hodge; Connie Hodge; Sentry Insurance, a Mutual Company; and John Does 1–10, from Mississippi County Circuit Court, Osceola District. Orally argued.

CR-19-87. Jackie D. Howard v. State of Arkansas, from Miller County Circuit Court.

CR-19-292. Randy James Myers v. State of Arkansas, from Faulkner County Circuit Court.

CR-19-409. Janet Young v. State of Arkansas, from Crawford County Circuit Court.

CR-19-424. Brian Russell v. State of Arkansas, from Ashley County Circuit Court.

CR-19-432. Drevion Marbley v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-19-518. Maxxi Brooks v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-18-785. Teddy Reynolds v. Arkansas Appraiser Licensing and Certification Board, from Columbia County Circuit Court.

CV-18-819. Tim Parker v. Sharon Parker, from Benton County Circuit Court.

CV-19-139. Ken Lancaster and Tabitha Lancaster v. Rogers Construction, Inc.; and John and Jane Does 1–99, from Clark County Circuit Court.

CV-19-149. Jason W. Papageorge v. Tyson Shared Services, Inc., and Tynet Corporation, from the Arkansas Workers' Compensation Commission.

CV-19-157. Bedrock Ventures, Inc. v. Truman Press, Inc., d/b/a Hannover House d/b/a Hannover; Hannover House Releasing, LLC, d/b/a Hannover House; Hannover House, Inc., d/b/a Hannover House; and Regal Cinemas, Inc., from Benton County Circuit Court.

CV-19-216. Moorefield Construction, Inc. v. R.L. Hurst Concrete Construction, Inc., a/k/a R.L. Hurst, from Garland County Circuit Court.

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CASES SUBMITTED

CV-19-234. STAP, Inc., d/b/a St. Andrews Place; Kilgore Consulting Group, Inc.; and Joshua A. Kilgore v. LaGatha Sutterfield, as Personal Representative of the Estate of James Sutterfield, and on Behalf of the Wrongful Death Beneficiaries of James Sutterfield, from Faulkner County Circuit Court.

CV-19-463. Jonathan Terry v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-19-570. Addam Maxwell v. Lori Maxwell, from Benton County Circuit Court.

CV-19-653. Jamie Carpenter v. Arkansas Department of Human Services and Minor Child, from Mississippi County Circuit Court, Chickasawba District.

CV-19-679. Mirdanda Dye v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.